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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,856	07/09/2003	Olaf Kruse	3663-38	1796
7590	10/12/2006		EXAMINER	
Nicholas J. Tuccillo, Esq. McCormick, Paulding & Huber LLP CityPlace II 185 Asylum Street Hartford, CT 06103			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 10/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/616,856	KRUSE, OLAF
	Examiner Thanh K. Truong	Art Unit 3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14-21,23 and 24 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 14-21,23 and 24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This action is in response to applicant's amendment received on August 14, 2006.
2. Applicant's cancellation of claims 1-13 and 22 is acknowledged.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). **The drawings must show every feature of the invention specified in the claims.** Therefore, the "socket" (claims 1, 12 and 13) must be shown **or the feature(s) canceled from the claim(s).** No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 14-16, 21 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 14 and 21, the recitation "said plug socket is capable of inductive electrical energy transfer thereby increasing the operational safety of the chain saw" (emphasis added), in claims 14 and 21, has not been supported by the disclosure and thus is a new matter.

There is no support in the disclosure for increasing the operational safety of the chain saw by the socket, the disclosure may have mentioned the socket may preventing the "short circuit or unintentional contact between the voltage-carrying lead and the operator" but there is no teaching or explanation of how the socket may increase the operational safety of the chain saw such as preventing the operator from being cut by the chain saw, for example.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 14-21, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation: "wherein said combustion engine selectively powers both said cutting tool and said plug socket" (in claims 17 and 21)(emphasis added) is vague and indefinite, because the combustion engine powers the generator not the "plug socket". The electrical power is connected to the lamp or tool via a plug and a socket. The combustion engine powers the generator, and the electrical power comes from the generator not the socket. Furthermore, the socket does not consume the electrical power, it functions only as a connector; it connects the electrical accessory such as the lamp to the electrical power, and thus the socket cannot be powered by the combustion engine.

Claims 14 and 21, the recitation "said plug socket is capable of inductive electrical energy transfer thereby increasing the operational safety of the chain saw" (emphasis added), in claims 14 and 21, is vague and indefinite, because it is unclear how the inductive electrical energy transfer of the socket increases the operational safety of the chain saw. One skill in the art may understand that the socket may prevent the operator from accidentally shocks by the electric current, but how the socket increases the operational safety of the chain saw is hard to imagine. Can the socket preventing or reducing the accidental cut to the operator by the chain saw?

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (4,654,970) in view of Leininger (4,678,922).

Nagashima discloses an apparatus comprising: a combustion engine and a generator for supplying voltage to an electrical consumer; the generator has a connection for attachments for an external consumer (figure 1 and column 2, lines 49-54). Nagashima further discloses that the connection for attachment of one electronic component is arranged in the housing of the hand-held machine tool (column 2, lines 45-49).

Nagashima discloses the claimed invention, but does not expressly disclose a "plug socket" that is accessible through a housing of the chain saw for supplying power from the generator to an external electrical accessory.

Leininger discloses (figure 1) an apparatus comprising an air power hand tool with generator to energize a lamp (28), which is connected to the power tool via a flexible cable (30), affixed to the housing of the hand-held machine tool providing light to the work area via a plug and a socket (figure 1 shows between the end of power cord (30) and the surface of the housing (14) there is a "plug socket"; the plug is disposed at end of the power cord, and the socket is the cavity on the housing that the plug is

inserted to). Thus, it is construed that Leininger's plug socket is removably accepting a plug of an external electrical accessory (lamp 28).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Nagashima apparatus by connecting the lamp to the generator of the hand-held machine tool via a "plug socket" as taught by Leiniger to provide light at the working area.

10. Claims 14-21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (4,654,970) in view of Steele (4,870,811).

As discussed in paragraph 7 of this office action, Nagashima discloses the claimed invention, but it does not expressly disclose a "plug socket" that is accessible through a housing of the chain saw for supplying power from the generator to an external electrical accessory.

Steele discloses an apparatus comprising:

a combustion engine drive (32);

a generator (34) for supplying voltage to an external electrical consumer, the generator having a "plug socket" (19) for attachments for an external electrical consumer, the plug socket being capable of inductive electrical energy transfer thereby increasing the operational safety of the chain saw, and an electrical component arranged between the generator and plug socket, the electrical component is a switch (25) or an over voltage protection element (26). Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to

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have modified Nagashima apparatus by incorporating the "plug socket" as taught by Steele to provide means to connect the electrical power from the generator to the external electrical accessory.

The modified Nagashima by Steele further discloses: a lamp may be connected to the connection for attachment by means of a "plug socket" (Steele - the last line of the abstract).

11. Claims 14-21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagashima (4,654,970) in view of Steele (4,870,811) and further in view of Casas (US 2002/0054491).

As discussed in paragraph 7 of this office action, Nagashima discloses the claimed invention, but it does not expressly disclose a "plug socket" that is accessible through a housing of the chain saw for supplying power from the generator to an external electrical accessory.

Steele discloses an apparatus comprising:

a combustion engine drive (32);

a generator (34) for supplying voltage to an external electrical consumer, the generator having a "plug socket" (19) for attachments for an external electrical consumer, the plug socket being capable of inductive electrical energy transfer thereby increasing the operational safety of the chain saw, and an electrical component arranged between the generator and plug socket, the electrical component is a switch (25) or an over voltage protection element (26).

Furthermore, Casas discloses (figures 2 & 3) a chain saw (4) that is employed a lamp (6), and the lamp "would be designed to project a beam of light in a forward direction in order to ensure that a user would be able to use the particular hand tool in a safer manner when working either in lighted areas or when light is not particularly adequate" (abstract – lines 6-10).

Nagashima teaches that a combustion power chain saw with a generator can provides electrical power to an external electrical consumer such as the handle heater to warm the hand of the operator.

Steele teaches that a combustion power tool with an electrical power generator that is equipped with the electrical outlet (plug socket), it can provide electrical power to many other electrical power consumers such as electrical lamp, and electrical hand tools.

Casas teaches that a chain saw that is equipped with a lamp can provide light in the working area and thus safety to the operator.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Nagashima apparatus by incorporating the use of the electrical outlet (plug socket) as taught by Steele to provide means to connect electrical power from the generator to the electrical accessory such as a lamp, and the use of the lamp to illuminate the working area so to provide safety for the tool operator.

The modified Nagashima by Steele and Casas further discloses: a lamp may be connected to the connection for attachment by means of a "plug socket" (Steele - the

last line of the abstract), and wherein the electrical accessory is connected to the plug socket via an electrical power cord (Steele – figures 1-4).

Response to Arguments

12. Applicant's arguments filed August 14, 2006 have been fully considered but they are not persuasive.
13. Applicant's arguments with respect to Hamm et al. (4,217,537), and Nagashima (4,654,970) in view of Steele (4,870,811) have been considered but are moot in view of the new ground(s) of rejection.
14. In response to the Applicant's argument that "There is no mention of the terms "plug" or "socket" or depiction of such an arrangement, and Applicant believes the "physical connection" to be permanent not removable", this is not found persuasive for the following reasons:

The drawing of a reference is an integral part of the disclosure, and thus the subject matter that is depicted in the drawing can be reasonably interpreted without relied upon the subject matter is being mentioned in the written disclosure of the reference.

In this case, Figure 1 of Leininger shows the lamp (28) via a cord (30) is clearly connected to the tool body (14) by a connection that appears to be a plug (the cylindrical rod) that is plug into a circular cavity (a socket).

Furthermore, the figure also discloses many other details that are not mentioned in the written disclosure, but understood by one skill in the art that they are there in the

drawing. For example, the lamp socket (the device that holding the lamp in place and connect the lamp to the electrical cord) in figure 1 is not expressly shown, but one of skill in the art would be reasonably believe that there is a lamp socket (behind the lamp cover) to hold the lamp and connect the lamp to the electrical cord even thought it is not being mentioned in the written disclosure.

The plug socket of figure 1 in Leininger is not being mentioned in the written disclosure, probably because one skill in the art would obviously recognize that it is there without being mentioned in the written disclosure.

Finally, it is believed that to interpret the term "physical connection" to be permanent and not removable is unreasonable and erroneous. Isn't the connection between the plug and the socket a physical connection? If the connection between the plug and the socket is not considered a physical connection, what is?

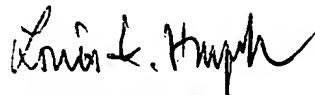
Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkt
October 1, 2006.


LOUIS K. HUYNH
PRIMARY EXAMINER